

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6257

BILL NUMBER: SB 63

NOTE PREPARED: Dec 10, 2013

BILL AMENDED:

SUBJECT: Nonsupport of a Child.

FIRST AUTHOR: Sen. Young R Michael

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It changes the penalty enhancement for nonsupport of a child from a Level 6 felony to a Level 5 felony if the person has a previous conviction for the offense.
- B. It changes the procedure for a court to lower the penalty for a person convicted of nonsupport of a child.

(The introduced version of this bill was prepared by the Criminal Law and Sentencing Policy Study Committee.)

Effective Date: July 1, 2014.

Explanation of State Expenditures: *Summary-* This bill is expected to have minimal savings for the Department of Correction (DOC). An estimated 27 offenders would be committed each year as Level 6 rather than Level 5 offenders. This could reduce annual operating costs by \$88,000 to \$345,000.

On average, 27 offenders were annually committed to DOC between CY 2008 and 2013 for nonsupport of a child as a Class C felony *without* a prior conviction for nonsupport of a child. The average sentence for these offenders is 3.5 years. The average sentence for Class D felons who are committed for nonsupport of a child is 1.8 years.

Additional Information- Since HEA 1006-2013 changed felony classes to felony levels and the method of determining the length of stay beginning July 1, 2014, LSA estimates the new length of stay for offenders who were previously sentenced for Class C felonies and who would now be sentenced for Level 6 felonies.

Estimating New Length of Stay for Certain Level 6 Felons													
Felony Class	Felony Class Advisory Sentence (in Years)		Avg. Sentence for Non-support (Years)	=	% Advisory to Sentence	x	Felony Level Advisory Sentence (Years)	=	New Estimated Sentence (Years)	x	% Length of Stay	=	New Length of Stay (Years)
Class C	4	÷	3.5	=	114%	x	2	=	2.3	x	75%	=	1.7
Class D	1.5	÷	1.75	=	86%	x	1	=	0.9	x	75%	=	0.7

LSA looks at operating savings in two ways. First, if offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is \$3,266 annually (based on 2013 expenditures). Second, DOC pays county sheriffs \$35 per day as part of a contract to house DOC offenders (annual cost of \$12,775).

	Annual Cost		Offenders		Annual Savings
Marginal Savings	\$3,266	x	27	=	\$88,182
Contract with County Sheriffs	\$12,775	x	27	=	\$344,925

LSA examined the commitment records of 167 offenders who were committed to DOC as Class C offenders for nonsupport of a child. Of these, LSA found on average that almost 27 offenders were committed each year as Class C offenders and who did not have a prior conviction for nonsupport of a child.

Class C Felons Committed to DOC for Nonsupport of a Child CY 2008 - 2012							
Prior Conviction for Nonsupport of Child?	2008	2009	2010	2011	2012	5-Year Average	Average Sentence in Years
no	20	27	28	36	23	26.8	3.5
yes	8	5	7	7	6	6.6	3.6
Grand Total	28	32	35	43	29	33.4	

In the 2013 General Assembly, HEA 1006-2013 changed four felony classes to six felony levels. Class C felonies were essentially changed to Level 5 felonies. Class C felonies are punishable by a range in prison sentence between two and eight years. Level 5 felonies are punishable by a sentence range between one and six years. Level 6 felonies are punishable by a sentencing range between 6 and 30 months. Under sentencing laws prior to July 1, 2014, offenders in DOC could have 50% of their prison time reduced for good behavior. Effective July 1, 2014, persons who commit crimes after July 1, 2014, may have 25% of their prison time reduced for good behavior.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: County sheriffs.

Information Sources: DOC Offender Information System.

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